IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 1216 of 2004 (M/B)

Khem Singh Mehta S/o Late Bishan Singh Mehta
Mehta Mineral Tara Palace Polisheet,
Nainital Road, Haldwani ……. Petitioner

Versus

1. State of Uttaranchal
   Through S.S.P.
   Udham Singh Nagar.
2. Station Officer,
   Police Station Rudrapur, Udham Singh Nagar.
3. Sri Susant Rai S/o Sri Jiten Rai
   R/o Sanjai Nagar, Ward No. 3,
   Rudrapur, Udham Singh Nagar. …….. Respondents

Mr. Arvind Vashishth, learned counsel on behalf of the petitioner.
Mr. D.K. Sharma, learned Government Advocate for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Arvind Vashishth, learned counsel appearing on behalf of the petitioner and Mr. D.K. Sharma, learned Government Advocate, who accepted the notice on behalf of respondents No. 1 and 2.

2. Learned counsel for the petitioner is permitted to amend the writ petition. We are not interested in entertaining this writ petition as the questions of fact are involved in this writ petition and the offence is also bailabe. As regards the identity of the vehicle, it is a pure question of fact and the petitioner may take up such remedies as are available to him in law.

3. Hence, the writ petition is dismissed.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
15.12.2004 **15.12.2004**

G